

**Alaska Legal Services Corporation
LSC State Planning Report
Recipient Number 902000
October 1, 1998**

I. Introduction

Alaska Legal Services Corporation (ALSC) is the sole recipient of Legal Services Corporation funding in Alaska. The program, which operates a central office in Anchorage and regional branch offices in Barrow, Bethel, Dillingham, Fairbanks, Juneau, Ketchikan, and Nome, serves a poverty-level population of 66,558 within a geographic area of 570,833 square miles. The urban poverty population of approximately 32,714 Alaskans resides in or near the three major cities of Anchorage, Fairbanks, and Juneau. The rural poverty population of approximately 33,844 resides in several small, outlying communities and in 203 remote and isolated villages scattered throughout an immense geographic area corresponding in size to an area extending from Georgia to Wyoming.

Current staffing for the program's eight offices includes twenty attorneys, five paralegals, one financial professional, one administrative professional, two accounting staff, one development director, one pro bono program coordinator, and eight support staff (receptionist, office manager, or legal secretary positions). A total of ten ALSC staff members are working on a part-time rather than on a full-time basis, primarily due to budget constraints that do not allow full staffing in all offices.

The following analysis of state planning issues and review of the program's cooperative efforts with other legal providers, social services agencies, the Alaska Court System, and members of the private bar focuses on the current and prospective activities of a comprehensive statewide Access to Civil Justice Task Force recently created by the Alaska Supreme Court to examine various aspects of civil legal assistance to low-income Alaskans. This state planning report addresses first the membership, authority, and mission of the statewide Access to Civil Justice Task Force as it relates to Alaska Legal Services Corporation and the provision of civil legal assistance to low-income Alaskans. The second component of this report details the issues developed and recommendations made by the Task Force and by ALSC staff and board members. The third component of this report details the program's position on seven state planning issues to be addressed by LSC recipients, as set forth by the Legal Services Corporation in Program Letter No. 98-1 (February 12, 1998).

II. Formulation and Mission of the Access to Civil Justice Task Force

In November of 1997, the Justices of the Alaska Supreme Court created, by resolution, the Access to Civil Justice Task Force with a mission to investigate, plan, and recommend methods to increase the delivery of civil legal assistance and improve access to justice for the people of Alaska. Chaired by Justice Dana Fabe, the statewide Task Force is comprised of judges, bar leaders, legal services providers, representatives of the client community, and business and community leaders whose mission is to explore a variety of approaches to the challenge of expanding access to civil legal assistance. These approaches, as will be explained below, include identifying new sources of revenue, analyzing and improving the structure and procedures for providing legal services, making greater use of modern technology, simplifying court procedures and expanding staff services, and exploring alternative means of dispute

resolution.

Task Force Organization and Membership

The Task Force consists of a three-tiered structure. A Steering Committee of twenty-six members oversees the general work of the Task Force itself and will be responsible for issuing final recommendations to the Alaska Supreme Court. The membership of the Steering Committee is as follows:

Justice Dana A. Fabe, Chair (representing the Alaska Supreme Court)

Nancy R. Gordon, Attorney General=s Office (Governor=s appointee)

Robert Hickerson (Executive Director, Alaska Legal Services Corporation)

Senator Al Adams, Alaska State Legislature (representing Alaska State Senate)

Representative Irene Nicholia, Alaska State Legislature (representing Alaska State House)

F. Lachicotte Zemp, private practitioner with Faulkner Banfield & Rozell, P.C. (representing Southeast Alaska attorneys)

U.S. Magistrate Judge Harry Branson (representing the federal courts)

cSusanne D. Di Pietro (representing the Alaska Judicial Council)

Jim Valcarce, private practitioner with Hedland Brennan Heideman & Cooke (representing Bethel attorneys)

David H. Call, private practitioner with Call Barrett & Burbank (representing Fairbanks attorneys)

Bryan P. Timbers, private practitioner with Larson Timbers & Thomas, P.C. (representing the Second Judicial District; president of Alaska Legal Services Corporation)

Seth Eames, Alaska Legal Services Corporation (representing the Alaska Pro Bono Program)

Dannie Bolden, Anchorage (representing ALSC-eligible clients)

Jeff Brown, Alaska Legal Services Corporation (representing rural services)

Marcia Rom, Alaska Legal Services Corporation (representing urban services)

Brant McGee, Office of Public Advocacy (representing public sector attorneys)

David H. Bundy, private practitioner with Bundy & Christianson (representing the Alaska Bar Association)

Robin A. Bronen, Catholic Social Services (representing non-ALSC eligible clients)

Arthur H. Peterson, private practitioner with Dillon & Findley, P.C. (representing the Alaska Legal Services Corporation Board of Directors)

Michele Christiansen, Alaska Native Justice Center (representing Alaska Native clients)

Mark Kroloff, Cook Inlet Region, Inc. (representing corporate attorneys)

Stephanie J. Cole, Alaska Court System Administrative Director (representing the Alaska Court System)

Carol Heyman, Chugach Electric (representing the business community)

Lisa R. Rieger, University of Alaska B Anchorage Justice Center (representing the UAA Justice Center)

Mark Rindner, private practitioner with Lane Powell Spears Lubersky (representing the Alaska Pro Bono Program)

Ilona Besseney, former ALSC Anchorage office supervising attorney (report author)

The second tier of the Task Force consists of a number of Aat large@ attorney members representing organizations including the IOLTA Commission, the Alaska Bar Association, the American Bar Association, the Municipality of Anchorage Ombudsman=s Office, Alaska Legal Services Corporation, and the University of Alaska Justice Center. The Aat large@ membership roster also includes another state representative, another state judge, other presiding judges, members of the Alaska Bar Association=s board of governors, and members of the Alaska Bar Association=s Standing Committee on Pro Bono Service.

The third tier of the Task Force consists of six subcommittees established by the Steering Committee in February of 1998. The six subcommittee assignments are: (1) Alaska Legal Services Corporation; (2) *pro bono*; (3) community legal support and education; (4) *pro se* litigants; (5) alternative dispute resolution; and (6) non-ALSC eligible individuals. Membership on these subcommittees is made up of Task Force members along with attorney and non-attorney members who have an interest in and who can provide a variety of perspectives on the provision of legal services to the poor.

Steering Committee Activities to Date

The six subcommittees of the Task Force are in the process of finalizing and submitting recommendations to the Steering Committee. At the time of this writing, over fifty wide-ranging recommendations have been submitted to the Steering Committee for review. The Task Force Steering Committee will present the recommendations to its membership at large during a two-day meeting that will be held by the end of November, after which a formal written report will be released for public comment and general discussion. Although the recommendations set forth below, organized by subcommittee, are not binding upon the Task Force Steering Committee, it is likely that the Steering Committee will give considerable weight and credibility to the recommendations and to the process through which they were developed.

Alaska Legal Services Corporation Subcommittee

Membership

The membership of the Subcommittee on Alaska Legal Services Corporation consists of the following attorneys and non-attorneys:

Art Peterson, Co-Chair, a Juneau attorney in private practice and past president of Alaska Legal Services Corporation

Marcia Rom, Co-Chair, Anchorage supervising attorney for Alaska Legal Services Corporation

Robert Hickerson, Executive Director of Alaska Legal Services Corporation

Jim Bowen, a Juneau hearing officer with the Commercial Fisheries Entries Commission and a tribal court judge

Anne-Marie Cotter, Bethel supervising attorney for Alaska Legal Services Corporation

Vicki D'Amico, a non-attorney advocate with Sitkans Against Family Violence

Nina Hansen, a non-attorney working on the Sitka Tribal Courts Program with Sitkans Against Family Violence

Laurie Murdock, a former legal secretary in the Kodiak office of Alaska Legal Services Corporation

Kari Robinson, a Juneau attorney with the Legal Advocacy Project of Stop Violence Against Women

Kathleen Strasbaugh, assistant attorney general in Juneau and a former legal services staff member in Alaska and West Virginia

Margaret Thomas, former Nome supervising attorney for Alaska Legal Services Corporation

Subcommittee Process and Identification of Issues

The Anchorage office of Alaska Legal Services Corporation conducted a one-week baseline survey in January of 1998 to determine the number of potential clients who contacted the office by telephone, to identify the legal issues presented by the callers, and to track the results of the potential clients' requests for assistance. The baseline survey results served as a snapshot@ indicator of the number of potential clients who were determined to be eligible or ineligible for services by virtue of income and/or case priority status, those who received advice-only assistance, those who were accepted for representation by ALSC staff, and those who were referred to either the Alaska Lawyer Referral Program or other social services agencies. The baseline survey revealed that nearly one-half of the requests for assistance were related to family law issues, nearly one-fourth were on housing issues, and the remaining one-fourth were on issues concerning Social Security, consumer issues, wills, and miscellaneous other subjects.

The members of the ALSC subcommittee met four times by teleconference during the spring of 1998. As part of the process of identifying issues and methods of expanding civil legal assistance to the poor, members reviewed and discussed materials from other states that had undergone a similar planning process. Of particular relevance to the subcommittee was the updated California report entitled *And Justice for All: Fulfilling the Promise of Access to Civil Justice in California*.@ This report, adopted by the board of governors of the State Bar of California in 1996, provided a framework for identifying Alaska issues.

Subcommittee members conducted interviews with five Alaska Superior Court judges, representing each judicial district within the state, to obtain their assessments of the effect that limited free civil legal assistance has had on their courtrooms and on litigants appearing before them. Additionally, subcommittee members identified a wide range of issues relating to access to civil justice and examined possible ways to increase representation for the chronically underserved low-income population in Alaska.

Alaska Legal Services Corporation Subcommittee Recommendations Submitted to Steering Committee

The members of the Alaska Legal Services Corporation subcommittee have presented five major recommendations to the Task Force Steering Committee. Although these

recommendations are not binding upon the Steering Committee, they nevertheless represent a consensus of subcommittee members. The recommendations are as follows:

Secure increased funding for Alaska Legal Services Corporation through traditional state and federal funding sources.

Secure additional funding for Alaska Legal Services Corporation from other sources (an endowment fund, charitable estate planning, a designated program receipts approach to state funding through a filing-fee surcharge, and working with Alaska's Congressional delegation to remove the federal statutory prohibition on collecting attorney fees from the losing party in litigation or a prohibition contrary to Alaska Civil Rule 82, which provides for such fee awards)

Increase rural staff so that local ALSC offices can provide assistance and representation to rural Alaskans (with a goal of re-opening ALSC offices with attorneys on staff in each community where there is a Superior Court).

Coordinate with other service providers (including the Domestic Violence Network, rural service providers such as the Adult Basic Education offices, and contracting with local paralegals in rural Alaska to conduct intake)

Consider developing a more coordinated initial entry into the court system approach (the creation of an umbrella social services coalition in Alaska to provide a Citizens Advice Bureau that would provide screening and advice services on a wide variety of civil legal subjects)

Pro Bono Subcommittee Membership

The members of the Pro Bono Subcommittee, listed below, also serve as the Pro Bono Services Committee of the Alaska Bar Association:

Mark Rindner, Chair, Managing Partner of Lane Powell Spears Lubersky

Seth Eames, ex officio member, Alaska Pro Bono Program

John Reese, Anchorage Superior Court Judge

Bryan Timbers, Nome private practitioner and current ALSC Board President

Sandra Saville, Anchorage private practitioner

Jeffrey Friedman, Anchorage private practitioner

F. Lachicotte Zemp, Juneau private practitioner

Jim Valcarce, Bethel private practitioner

Sabrina Fernandez, Anchorage private practitioner

Jody Davis, Staff Attorney in Fairbanks office of Alaska Legal Services Corporation

Marcia Rom, Supervising Attorney in Anchorage office of Alaska Legal Services Corporation

James McGowan, Sitka private practitioner

Holly Montague, Assistant Borough Attorney for the Kenai Peninsula Borough

Steven Essley, Attorney with the Disability Law Center

Mark Kroloff, Corporate Counsel for Cook Inlet Region, Inc.

Pro Bono Program Principles and Limitations Upon Which Subcommittee Findings Are Based

The Alaska Pro Bono Program, operated jointly by Alaska Legal Services Corporation and the Alaska Bar Association, is the only fully-staffed direct delivery *pro bono* program in Alaska.

The program is funded by annual grants from the Alaska Bar Foundation that channel revenue derived from the state=s voluntary IOLTA (Interest on Lawyer=s Trust Accounts) program back to Alaska Legal Services Corporation for the administration and operation of the private attorney involvement program. The Alaska Pro Bono Program closes over 1,200 cases each year, of which 30% are direct referrals to attorneys and 70% are advice-only services provided through a variety of local clinics.

Other *pro bono* programs recently developed in Alaska include a *pro se* appointments project with the United States District Court, a guardianship project in Juneau, a domestic violence Pro Bono Advisory Panel in Juneau, an immigration panel through the Catholic Social Services Immigration Project, and an *ad hoc* project in Kodiak. These panels are of limited and/or local scope, focusing on either a select type of case or restricting services to a particular local area. Unlike the Alaska Pro Bono Program, these programs do not offer their volunteers cost reimbursement, malpractice coverage, or assurance that an alternate attorney can be found if an

attorney must withdraw from a case.

The current structure of the Alaska Pro Bono Program does not allow it to accept cases on behalf of individuals where Alaska Legal Services Corporation either has a conflict of interest or is prohibited from accepting the case due to restrictions enacted by Congress. By recent estimates, approximately 400 individuals were denied assistance through ALSC (and, by extension, through the Alaska Pro Bono Program) because of a conflict of interest. Perhaps 30% of these situations may involve persons who would be eligible for an attorney appointed through the AFlores@ appointment process (*Flores v. Flores*, 598 P.2d 893 (Alaska 1979)). Others are forced to seek volunteer or low-fee legal assistance on their own or to do without.

Most individuals seeking *pro bono* legal representation in a civil case must qualify for assistance through the eligibility criteria established for Alaska Legal Services Corporation. With few exceptions, ALSC may represent only those whose income falls at or below established poverty income guidelines. Whereas the poverty population in Alaska is estimated to be 66,558 and growing, tens of thousands of low-income Alaskans do not meet these restrictive eligibility criteria and yet may require legal assistance that they cannot afford. The resulting ever-increasing number of *pro se* litigants in the state and federal courts has placed additional pressure on the members of the Alaska Bar to render public service to provide *pro bono* legal assistance.

One under-represented segment of the Alaska Bar membership is that of public sector attorneys, some of whom are prohibited by statute from performing Aoutside practice of law@ and therefore not able to represent individuals through the auspices of a pro bono program. However, many public sector attorneys are not so restricted, and their ability to provide legal assistance to the poor on their own time is limited only by the latitude extended them by their supervisors.

The Alaska Bar Association currently has adopted a Resolution (dated October 22, 1988) to serve as an Ethical Consideration that ARecognizes and supports the professional obligation of all attorneys to devote a reasonable amount of time to *pro bono* and other public service activities that serve those in need or improve the law, the legal system, or the legal profession.@

A proposal to adopt the American Bar Association=s model Rule 6.1 was introduced to the Alaska Bar Association members by the Pro Bono Services Committee at the 1996 annual business meeting. That proposal was referred for further consideration to the Alaska Rules of Professional Conduct Committee.

Pro Bono Subcommittee Recommendations Submitted to Steering Committee

After analyzing and discussing the program limitations and principles set forth above, the subcommittee made the following recommendations specific to the Alaska Judiciary:

That law clerks be allowed to participate as volunteers through the Alaska Pro Bono Program

That judges find ways to encourage *pro bono* activities

The subcommittee made the following recommendations specific to the Alaska Bar Association:

To adopt American Bar Association Model Rule 6.1

To provide free or low-cost CLEs to *pro bono* attorneys in the areas of poverty law, provided that the attorney would then be obligated to take a *pro bono* case

To create a low-fee or moderate means panel of attorneys willing to assist those people who are over-income for assistance through the Alaska Pro Bono Program but who are still unable to retain an attorney

To especially encourage public-sector attorneys to provide *pro bono* and public service assistance

To quantify and monitor, by the Pro Bono Services Committee of the Alaska Bar Association at regular quarterly meetings, *pro bono* work performed outside the auspices of the Alaska Pro Bono Program

To establish a centralized method to recruit *pro bono* volunteers

Subcommittee recommendations specific to Alaska Legal Services Corporation are as follows:

To re-examine the internal definition of Aconflicts@ to allow for greater flexibility and more referrals to *pro bono* volunteers

To broaden internal case intake procedures to allow for increased and more varied referrals through the Alaska Pro Bono Program

The subcommittee made the following recommendations specific to the Alaska Pro Bono Program:

To develop a working mentoring program

To discontinue the practice of automatically accepting a case back from a volunteer at mid-point

To encourage law firms to participate more fully in the Alaska Pro Bono Program

To reconfigure internal procedures, in cooperation with Alaska Legal Services Corporation, to allow for more possibility of referring Aconflicts@ cases

To broaden its referral procedures to allow for more varied referrals

To coordinate with other existing *pro bono* projects and programs to ensure better and non-duplicative services

To adopt administrative procedures allowing attorneys to assist other *pro bono* attorneys by doing discrete tasks, such as research

The subcommittee made the following recommendations specific to the Alaska Bar Foundation:

To continue to fully fund the Alaska Pro Bono Program

To continue to seek new ways of increasing IOLTA revenues

Finally, the subcommittee recommended to the Alaska Legislature that *Flores* be revisited to determine if it may be read broadly to cover non-custody situations.

Legal Support and Education Subcommittee Membership

The initial composition of the subcommittee included representatives of the corporate bar, the Alaska Attorney General's office, and the business community. The subcommittee then

expanded its focus and reach by seeking input from the Native community, the University of Alaska Justice Program, and Alaska Legal Services Corporation. Subcommittee members include:

Carol Heyman, Co-chair, Vice President of Chugach Electric

Mark Kroloff, Co-chair, Corporate Counsel for Cook Inlet Region, Inc.

Nancy Gordon, Chief of Anchorage Civil Office, Alaska Attorney General's Office

Lisa Rieger, University of Alaska B Anchorage Justice Center

Theresa Williams, Assistant Attorney General

Sarah Scanlon, Vice President at NANA Corporation

Debra Call, Representing Cook Inlet Region, Inc., and lay member of the Alaska Bar Association

Conclusions Upon Which Subcommittee Recommendations Are Based

The Legal Support and Education Subcommittee considered its primary mission to be an evaluation of how public support and education about the legal system and programs attendant on the legal system could improve access to civil justice. In the course of its analysis, the subcommittee identified multiple factors to be considered. The first, and most fundamental, was that even if public awareness of programs that could provide access to civil justice for those who cannot afford it were increased, the programs that provide access (Alaska Legal Services Corporation and others) cannot currently handle the increased workload that greater access would generate.

A second factor to be considered is that low-income clients or clients with special needs are served by a number of providers, most of which work cooperatively or in conjunction with Alaska Legal Services Corporation. This is significant insofar as different schedules, different locations, and different parameters for case intake, handling, and referral may result in indigent clients being referred from agency to agency without effectively being served.

A third factor recognized by the subcommittee is that the problems some indigent clients bring are not really legal problems, are problems that can be resolved outside the justice system, or are problems that may be legal in nature but that could, with a reasonable level of public education and support, be handled by an individual on a *pro se* basis.

The fourth and fifth factors identified by the subcommittee relate to the limited legal education outreach to rural Alaska and the belief that the number of cases that could be assigned to volunteer lawyers could be substantially increased if more support and education were available to volunteers. For both factors, the lack of a centralized mechanism to access information was cited.

The sixth factor identified by the subcommittee is that public support of the need for access to civil justice, and of the social value of free legal services, has waned. The subcommittee cites the lack of adequate public support as a limitation on obtaining meaningful political support to provide necessary funding to support and improve legal access programs.

Legal Support and Education Subcommittee Recommendations Submitted to Steering Committee

In response to the six factors identified, the subcommittee recommends that the Alaska Bar Association and the University of Alaska establish a customer-oriented AOne Stop Shopping@ intake and referral service for low-income clients with potential legal problems. A center is envisioned that would offer a library of forms and self-help literature, an accurate schedule of *pro se* clinics offered by Alaska Legal Services Corporation and other organizations, offer toll-free telephone, e-mail, and fax access for its services, and perform intake and referral services. The subcommittee recommends that this project be adopted as a pilot project under the auspices of the University of Alaska, offered at an appropriate off-campus location in Anchorage and at University sites in Fairbanks, Juneau, and perhaps other locations.

To the Alaska Bar Association, the subcommittee directs the recommendation that time-efficient, user-friendly *pro bono* CLE=s to train volunteer lawyers in specific subjects be implemented and strongly supported by the Alaska Bar Association.

The subcommittee recommends that the Alaska Court System implement a community education and communication plan in cooperation with appropriate organizational agencies. The objective of the effort is to provide information on access to civil justice to all Alaskans so that each individual can select the programs or organizations that can be of the greatest assistance. Specific tools utilized in this type of plan include a law clinic program, use of electronic media, a speaker=s bureau, a Web site, information kiosks in malls and other appropriate public locations, a public relations and advertising campaign, and a variety of brochures.

To the University of Alaska B Anchorage, the UAA Small Business Development Center, and the Alaska Bar Association, the subcommittee recommends the establishment of a small business low income legal access program. Although the likely recipients of such a program would be those individuals with problems that fall outside the priorities of Alaska Legal Services Corporation, the Alaska Native Justice Center, and other social services agencies, the program would provide a tangential benefit to ALSC by way of reducing the number of *pro se* litigants and by providing community education and public awareness on a variety of civil legal matters.

The subcommittee=s final recommendation, directed to the University of Alaska B Anchorage, is the development of a legal clinic at the UAA Justice Center. Operating as a part-time clinic staffed by Paralegal Certificate students working on internships supervised by an attorney, the clinic would help to meet the needs of currently unserved clients. For example, a clinic operating outside normal A9 to 5@ work hours, staffed in the evenings or on weekends, would provide an extension of services that ALSC has to date been unable to offer.

***Pro Se* Litigants Subcommittee**

Membership

The work of the *Pro Se* Litigants Subcommittee, while focusing on Alaska Court System processes and procedures as they relate to facilitating *pro se* representation, gave substantial weight to the variety and depth of client self-help materials and clinics currently offered through the auspices of the Alaska Pro Bono Program, which is operated by Alaska Legal Services Corporation in cooperation with the Alaska Bar Association. For this reason, the recommendations of the subcommittee will be briefly summarized below. Committee members included:

Michele Christiansen, Chair, Director of the Native Justice Center

Harry Branson, United States Magistrate Judge in Anchorage

Diane Smith, *Pro Se* Staff Attorney, United States District Court

Kirsten Bomengen, Alaska Attorney General's Office in Juneau

Jody Davis, Staff Attorney in Fairbanks office of Alaska Legal Services Corporation

Mark Regan, Staff Attorney in Juneau office of Alaska Legal Services Corporation

Charlene Dolphin, Anchorage Clerk of Trial Courts for the Alaska Court System

Venable Vermont, Assistant Attorney General in Anchorage

Cynthia Fellows, State Law Librarian for the Alaska Court System

***Pro Se* Litigants= Subcommittee Recommendations Submitted to Steering Committee**

In its deliberations, the subcommittee approved for submission to the Steering Committee numerous recommendations relating to *pro se* representation. These recommendations, many of which are specifically directed to the Alaska Court System, are as follows:

Creation of a uniform statewide *Pro Se* Litigants Handbook for the state court system.

Creation of statewide step-by-step packets with sample forms for various proceedings such as wills, probate forms, petition for protective order/domestic violence, power of attorney, and divorce, custody, and child support modifications

Conduct educational courses for medical personnel on the process and procedures of domestic violence petitions (this is already being done in the Municipality of Anchorage)

Conduct educational television Ainfomercials@ with different weekly topics in rural areas of the state

Offer the Alaska Pro Bono Program clinics on a statewide basis by video and/or audio tapes, which should be available for check-out at local video stores, public libraries, tribal council offices, or grocery stores for a minimal fee

Offer the Alaska Pro Bono Clinics during evening hours, if currently offered only during normal working hours, and expand the clinic offerings to at least twice a month in the urban areas

Create a simple statewide Arequest@ form for *pro se* litigants requesting civil relief from the court and a uniform statewide short form complaint for *pro se* litigants

Expand the Alaska Court System=s business hours to allow for after-hours filings, hearings, and research

Review and shorten time frames that are allocated for hearings on child support modification and dissolutions

Implement statewide uniform procedures and rules to allow parties to file domestic violence petitions by fax and e-mail

Expand the Alaska Court System Web site to include general legal education and information.
In addition, expand the Alaska Court System Web site to include commonly-used court

forms, i.e., protective orders and dissolutions that can be downloaded and printed

Create and educate a statewide network through Magistrates, village councils, social workers, and others to assist in disseminating information to *pro se* litigants

Re-examine the Court Forms Committee to include attorneys and consumers, and review the process by which court forms are created

CCreate a 1-2 year statewide program developer position for the Alaska Court System to educate the court staff on the needs of *pro se* litigants and assist in implementing changes to meet their needs.

Alternative Dispute Resolution Subcommittee

Membership

The membership roster for the Alternative Dispute Resolution Subcommittee, which established a goal of making findings and developing a set of proposals that will serve to increase the use of alternative dispute resolution for resolving disputes and managing conflict in Alaska, is as follows:

F. Lachicotte Zemp, Chair, private practitioner in Juneau

Michael Jeffery, Alaska Superior Court Judge in Barrow

Chic Jensen, member of the Juneau business community

Susan Di Pietro, Alaska Judicial Council

Jerry Covey, former Alaska Commissioner of Education

Dave Hanson, realtor

Sheila Miller, mediator

Phyllis Rhodes, mediator and former clerk of court for the U.S. District Court in Alaska

Kathy Anderson, mediator

Seth Eames, Alaska Legal Services Corporation Pro Bono Coordinator

Alternative Dispute Resolution Subcommittee Recommendations Submitted to Steering Committee

The focus of the subcommittee, and thus the majority of its recommendations to the Task Force Steering Committee, appropriately addressed the needs of individuals who have the financial resources needed to avail themselves of a variety of dispute resolution alternatives. This by no means diminishes the significance or the validity of the recommendations; simply stated, the subcommittee=s proposed solutions to the issues of increasing quality control within the mediation profession, the need to increase dialogue and education among professionals who provide and can benefit from alternative dispute resolution processes, and the need to increase the availability of resources within rural communities are challenges that lie somewhat outside

the scope and responsibility of Alaska Legal Services Corporation.

However, it is worth noting that the Alaska Court System recently instituted an Anchorage Custody and Visitation Mediation Program targeting lower-income litigants with minor children. Funded by a federal grant through the Child Support Enforcement Division, this pilot project will provide mediation in contested family matters, including divorce and post-decree enforcement and modification actions. To be eligible, the parties must be contesting an issue related to child custody or visitation. Mediation can be ordered after a request from a party or at the court's discretion. Reimbursement, which is not mandatory, is based on a sliding fee scale. Parties with a combined gross income of less than \$40,000 are not expected to contribute to the cost of mediation. Parties with a combined income of between \$40,000 and \$75,000 can be expected to pay a portion of the cost. Parties with a combined gross income of over \$75,000 should not be referred to the program. In any case, the average anticipated cost per party will range from \$30.00 to \$120.00, providing a viable and affordable conflict resolution alternative not only to eligible ALSC clients but also to those with moderate incomes.

Strategic Planning Issues Addressed by ALSC Board and Staff

Alaska Legal Services Corporation has conducted two recent strategic planning sessions independent of the activities of the Access to Civil Justice Task Force.

In May of 1997, in conjunction with its annual meeting, the Alaska Legal Services Corporation board of directors held a strategic planning session. The session, which was moderated on a *pro bono* basis by a professional facilitator, was attended by fifteen board members, several alternate board members, and a majority of the ALSC staff who participated either telephonically from out-of-town locations or in person. In the course of that session, five basic program philosophy statements were developed and serve as the basis for continuing discussions. These five statements and/or goals, as articulated by the board and staff, are:
ALSC is committed to the delivery of rural services
Strive to develop a board that is a fair representation of the cultural diversity of our clients

Provide legal service to all Alaskans who qualify to meet their most basic needs.

Strive to get the Judicial system to take a leadership role in the provision of equal access to justice

Equal access to justice in Alaska is the responsibility of all Alaskans

It is no coincidence that several of these issues set forth in May of 1997 are the focus of the work of the Access to Civil Justice Task Force Steering Committee and subcommittees. And, to the extent that the Task Force was created six months after these philosophy statements were articulated, the participation in the statewide planning process by members of the judiciary, the court system, the private bar, and other services providers is particularly timely and relevant.

On September 15, 1998, in conjunction with a staff training session held in Anchorage, ALSC program staff had the opportunity to meet again with the *pro bono* facilitator to follow up on the basic philosophy statements and to develop a set of priority objectives. Tasks and timelines were developed in the course of a three-hour open discussion. The priority objectives to be addressed by staff, with specific activities, timelines, and staff assignments identified, are:
(a) to reduce supervising attorneys' caseloads to provide more support and supervision for staff;
(b) to revise and update the AALSC Cookbook (a detailed subject matter-oriented handbook

for ALSC staff) and to provide expanded opportunities for substantive training and sharing of information within the program; and (c) to consider ways to deal with the effects of the LSC restrictions on the practice of law by ALSC attorneys.

State Planning Issues Set Forth by the Legal Services Corporation in Program Letter 98-1 (February 12, 1998)

Intake and Delivery of Advice and Referral Services

Alaska Legal Services Corporation is committed to making the technological and staffing changes needed to improve client access and the provision of high quality legal assistance. The program has recently re-established two rural offices, in Nome and Dillingham, that were closed in 1995 and 1996 in response to severe budget reductions. Although these two areas had been served in the interim by staff working out of regional offices located in Fairbanks and Anchorage, the program's board and staff recognized that effective client services in rural areas simply are more effectively provided by staff living and working in the rural communities. Each of the two new offices is staffed by an attorney and a part-time legal secretary or office manager and will provide a vital link between rural residents and the justice system.

Although technology issues will be addressed in greater detail in section B at page 21 of this report, improvements in computer hardware and software are currently being implemented that will improve the delivery of legal assistance. The program's telephone A hotline@ and Aquickline@ systems, through which advice/only service is provided, will be vastly improved in 1999 with the installation in the program's central Anchorage location of a new Year 2000 compliant telephone system offering expanded voice mail features, auto-attendant capability to efficiently deliver client information on clinics, intakes, and community referrals, and advanced audio-conferencing.

Client intake procedures are established by the supervising attorney in each of the local offices and vary according to the needs of the community and the ability of the program staff in each office to meet client needs. Each supervising attorney is responsible for conducting a periodic case review with case handlers, for monitoring case loads and ongoing activity on current cases, and for assessing client satisfaction with the legal services rendered.

Legal Services Technology Plan

Alaska Legal Services Corporation is the only recipient of Legal Services Corporation funding in Alaska and thus is less encumbered by issues of hardware and software compatibility than programs in states where there are multiple recipients of LSC funding. The focus of the ALSC technology plan therefore has been on upgrading computer hardware and software in a manner that enables staff to work as efficiently as possible. The program is currently implementing a technology plan that has been developed by ALSC staff and an outside consultant working together to provide an integrated hardware/software solution.

Alaska Legal Services Corporation is currently phasing out its 486sx/25 desktop computers purchased in 1992 and replacing them with networked Pentium class personal computers. On an office-by-office basis, a LAN (local area network) protocol has been established, CAT5 network cable has been installed, circa 1986-to-1988 printers are being replaced, and desktop computers are being replaced with new units operating under Windows 95/98. The program is phasing out its DOS-based Microsoft Word 5.0 word processing system and converting to Office 97, a Year 2000 compliant application that allows better information exchange with other service providers who are using newer software application packages.

Internet access, e-mail capability, and access to online research services on each staff member's desk are provided economically through the use of dual analog routers or multi-line Web Ramp devices in the larger offices or software solutions such as Artisoft iShare in offices staffed by two or three individuals. Although due to current budget limitations the final components of the technology plan will likely not be implemented until early 1999, by the end of calendar year 1998 the major portion of the hardware upgrades will have been installed. Staff members will thus have one full year to convert all data from older non-Y2K compliant applications. Additional components of the technology plan scheduled to be added in early 1999 include one laptop computer in each office to be used for rural travel, village intake, and outreach, replacing 14" SVGA monitors with moderately-priced 17" models that are more conducive to working with Windows 95/98 applications, the purchase of a flatbed scanner in each of the larger offices, and expanding ALSC's Web site capabilities through a commercial hosting service.

A second component of the current technology plan is a custom Microsoft Access application developed to replace the current paper-based case management, client and opposing party tracking, and timekeeping systems. The application, which is nearing completion, will allow staff in any office to access the statewide client database and will greatly simplify the process in which timekeeping information is recorded and aggregated.

Increased communication between and among offices is seen as one of the primary benefits of the hardware and software upgrade project. Although Alaska Legal Services Corporation has operated a Web site for over a year (www2.polarnet.com/~aklegal.index.html), staff in the local offices had access to the Internet only through a dedicated terminal shared by others in the office. Several offices, notably rural offices where Internet service providers had not yet established competitive or effective service, lacked any Internet access. E-mail capability for each staff member at his/her desk and the use of a Windows 95/98-based word processing system will greatly improve the ability of staff members to exchange pleadings, briefs, and form documents in an efficient manner. One of the first tasks following the hardware upgrade installation will be the establishment of an ALSC electronic mailing list and bulletin board that will allow staff to exchange ideas on a variety of subject matter and skills-related issues.

ALSC will be expanding its Web site offerings to include simple client forms that can be downloaded in PDF format. The initial offering of downloadable forms will be those for a living will and durable power of attorney. The program will be adding to its home page links to other service providers and social services agencies, particularly those serving senior citizens.

Major Barriers Gaining Access to Justice

Several of the major barriers to access to civil justice by low-income persons are set forth in the first portion of this state planning report under the conclusions and findings for the Legal Support and Education Subcommittee at pages 12-14 of this report. Members of the Access to Civil Justice Task Force Steering Committee and the six subcommittees, as well as ALSC board members and staff, have stressed the need for comprehensive and integrated community legal education efforts, new and expanded self-help clinics, and for cooperative efforts with other members and entities within the justice system.

In Alaska, the major barriers to access to civil justice relate to language and cultural barriers, geographical isolation and lack of road access in most of rural Alaska, and the sheer magnitude of the task of providing legal assistance in a state that is larger than 2/3 of the continental United States.

For many Alaskans (particularly senior citizens) living in rural portions of the state, English is a second language. A lack of familiarity with the concepts of the Western legal system is particularly apparent in southwestern and northwestern Alaska, areas that are chronically under-served by social service agencies, members of the private bar, and even by Alaska Legal Services Corporation.

The lack of road access and the vast geographic area to be covered impact client services in two ways. First, it is prohibitively expensive for isolated rural residents to reach legal services providers located in the regional transportation hubs. It is likewise prohibitively expensive for Alaska Legal Services Corporation staff to fly to the villages and remote regions for intake and outreach. Although each office has a toll-free number that is widely publicized in each region, for many isolated Alaskans language and cultural barriers minimize the effectiveness of a telephonic means of delivering even advice services.

Alaska Legal Services Corporation receives several grants that are targeted to the needs of the elderly, to rural domestic violence victims and their dependents, and to individuals with certain types of public benefits issues. These grants, provided by the Alaska Commission on Aging, the U.S. Department of Justice through the Violence Against Women Act, and the State of Alaska Department of Health and Social Services, are dedicated to the provision of legal assistance to these targeted individuals throughout the state. This is significant in that ALSC receives several city, borough, or municipal grants that do restrict the application of their funding to clients residing within a particular geographic area.

In rural Alaska, as well as in urban areas, Internet access is widely available through the schools. A new generation of computer-literate Alaskans who, within a decade, will be leaving school, entering the work force, and establishing families will eventually mean that electronic information dissemination will be one of the preferred methods of educating clients on a variety of legal topics. The reality today, however, is that the majority of the program=s clients are not computer-literate. Although the concept of placing electronic information kiosks in central locations has some merit and certainly is under discussion by one or more of the Access to Justice Task Force subcommittees, the reality is that other media such as videotapes have more potential utility in the area of client education and self-help.

Training and Access to Information and Expert Assistance Necessary for the Delivery of High Quality Legal Services

Staff training, which was previously supported in total through a State Support grant from the Legal Services Corporation, was one of the first budget items eliminated during ALSC=s budget reduction cycles between 1994 and 1997. Due to a lack of discretionary funding available for training, statewide training conferences had not been offered since 1993. The program nevertheless sought other training and professional development opportunities that were available free of charge or for a nominal fee. The Alaska Bar Association, responding to ALSC=s diminishing training budget, established a provision through which ALSC attorneys could attend 30 free CLE events per year. This action by the Bar Association represented a substantial saving for the program, as the normal CLE fee runs between \$75.00 and \$145.00 per session, and provided ALSC staff with meaningful, relevant training opportunities. Lacking a dedicated training grant that can replace the loss of LSC State Support funding, ALSC is forced to seek new sources of funding that can be dedicated to staff training and professional development. As new grant funding for various projects is sought, a budget line item for a

training component within each grant application will be included.

In September of 1998, ALSC was able to hold its first statewide training conference in five years. Funded by the National Legal Assistance Support Project, two nationally-known presenters traveled to Anchorage to provide two days of training in the substantive areas of SSI and Medicare, with a skills training focus on administrative hearings. ALSC staff conducted an additional two days of training, funded in part through a U.S. Department of Justice Violence Against Women Act grant. ALSC in-house staff and outside specialists presented training in substantive areas of family law, public assistance issues, and children=s issues with an emphasis on domestic violence issues and services. The program was able to utilize free conference space provided by the Alaska Court System and to obtain reduced room rates at a local hotel, thus minimizing costs to the program. Staff turnover in the five years between statewide training conferences had been substantial, and a number of program attorneys were able to meet their colleagues face-to-face for the first time.

Training incentives for Alaska Pro Bono Program volunteer attorneys consist of informal one-on-one meetings with experienced ALSC staff who have developed an expertise in substantive poverty law topics such as family law, public entitlements, consumer issues, and housing, establishing a Amentor@ relationship with a more experienced attorney, and an occasional free CLE sponsored by one of the substantive law sections of the Alaska Bar Association. As an example, the recent two-day Medicare/SSI training mentioned on the previous page was offered free of charge, with CLE credit, to participating members of the Alaska Pro Bono Program. The Bar Association=s Standing Committee on Pro Bono Service will be taking action to increase training opportunities for volunteer attorneys, and the Alaska Pro Bono Program is working on formalizing and institutionalizing a mentor project.

Engagement of Pro Bono Attorneys

Alaska Legal Services Corporation=s private attorney involvement program, operated cooperatively with the Alaska Bar Association, is one of the premier *pro bono* programs in the United States and has served as a model for PAI programs in other states. For the past few years, the participation rate has been at a plateau of about 60%. Keeping in mind that judges, law clerks, and many public sector attorneys are prohibited by statute or by employer restrictions on participating in Aoutside practice of law,@ the participation rate is impressive. Moving upward toward the 75% participation mark has proved to be an elusive goal, however. As noted in the findings and recommendations of the Pro Bono subcommittee at pages 10-12 of this report, there is a fundamental presumption that *pro bono* activities need to be encouraged and that barriers to volunteer attorney participation need to be removed. The Bar Association=s Standing Committee on Pro Bono Service will soon begin work on increasing law firm participation, lobbying for a more strongly worded ARule 6.1@ (the *pro bono* aspirational guidelines), and creating training incentives for volunteers to encourage them to accept high-priority Alaska Legal Services Corporation cases, such as those involving difficult family law matters.

While the statewide participation rate of 60% has remained stable over the past few years, the utilization of the volunteer attorney pool has dramatically improved. Whereas two years ago the panel carried an open caseload of approximately 350 cases, the panel now carries over 600 active cases.

Statewide Financial Resources Available for Legal Services to Low-Income Persons Within the State

In 1997, the board of directors of Alaska Legal Services Corporation authorized the recruitment and hiring of a professional development director who would be responsible for identification of unexplored sources of funding, fundraising activities, and coordination of grant projects. ALSC's development director, hired in October of 1997, has developed a three-year \$1 million APartners in Justice® fundraising campaign that is targeted to the members of the legal community in Alaska. The campaign is designed to raise funds primarily from law firms and private attorneys but will also approach foundations, corporations, and the general community. The primary goal of the campaign is to contact every member of the Alaska Bar Association during the next three years to educate them about the work of the program and to request their financial support. Leadership committees have been formed for the First, Third, and Fourth Judicial Districts. The Second Judicial District (covering the rural north/northwest area of the state) will be incorporated into fundraising activities conducted within the Fourth Judicial District.

A separate Alaska Native Legal Services fundraising campaign is underway, in conjunction with support from Alaska Native leaders. Two Native organizations, Kawerak in Nome and the Bristol Bay Native Association (BBNA) in Dillingham, have recently provided significant funding to re-establish the Nome and Dillingham branch offices. Credit for the new sources of revenue received from these two organizations rests squarely on the fundraising efforts of several ALSC board members who are active in the Native community, reside in the affected communities, and (in the case of two ALSC lay board members) are influential members of Kawerak's and BBNA's governing bodies.

As discussed earlier in the section on the Alaska Legal Services Corporation subcommittee recommendations at page 7 of this report, potential new sources of revenue that have been identified for Alaska Legal Services Corporation include the establishment of an endowment fund, charitable estate planning, and a Adesignated program receipts® approach to state funding through a filing-fee surcharge. The Alaska Bar Association recently approved a check-off provision that will allow bar members to make a contribution to Alaska Legal Services Corporation at the time payment for bar dues is made. This check-off provision will appear for the first time in January of 1999 when the annual bar dues notices are sent out.

Configuration of Legal Services Programs Within Alaska to Maximize the Effective and Economical Delivery of Legal Services to Eligible Clients

This issue is not particularly relevant in Alaska at this time, for Alaska Legal Services Corporation exists as the sole recipient of Legal Services Corporation funding. The program has always been able to deliver comprehensive, statewide legal assistance to low-income Alaskans despite funding cutbacks and the resulting reductions in staff and office locations. Management and administrative responsibilities are centralized, associated administrative costs are minimized, and program funds dedicated to client services are maximized through the efficient operation of a single LSC-funded entity in Alaska.

Working cooperatively with the Alaska Bar Association, Alaska Legal Services Corporation's operation of the Pro Bono Program is a prime example of the effectiveness of the statewide, comprehensive provider approach to delivering legal assistance to low-income Alaskans. Administrative and overhead costs are minimized through centralization of program administration, and yet the Pro Bono Program provides direct client service to 1,200 low-income Alaskans in a cost-effective, efficient manner through self-help and *pro se* clinics and through

representation provided by volunteer attorneys.

Alaska Legal Services Corporation has established strong, cooperative ties with a number of agencies and entities serving the low-income population. Among these are the Native American Rights fund, the Disability Law Center, the statewide network of domestic violence shelters, safe houses, and women=s crisis centers, Catholic Social Services Immigration and Refugee Services, tribal courts, Access Alaska, Deaf Community Services, the multitude of social services entities operated by the non-profit branches of Alaska=s regional Native corporations, and local senior centers throughout the state. Efforts are cooperative, not duplicative, and although eligibility criteria, intake, and referral procedures may vary from agency to agency nevertheless the aggregate efforts of these providers serve to strengthen the effective provision of legal assistance to the poor.

Conclusion

As set forth in the body of this report, statewide planning issues for providing access to justice in the civil legal system are currently being addressed by Alaska Legal Services Corporation staff, its board of directors, and its representatives on the various committees and sub-committees of the Access to Civil Justice Task Force.

Never before in the history of Alaska Legal Services Corporation has such a far-reaching planning effort been undertaken, and never before has the legal community at large come together to address the fundamental issue of providing access to civil justice to those who cannot afford it. Expansion of access to the civil justice system for low-income Alaskans is indeed the responsibility of all Alaskans, and the Access to Civil Justice Task Force has provided a vehicle through which careful, deliberate consideration has been given to statewide planning issues.

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